

REMARKS

In the non-final Office Action, the Examiner rejects claims 46, 47, 52, 53 and 58 under 35 U.S.C. § 103(a) as being unpatentable over McKeown et al. (U.S. Patent 6,647,019 hereinafter “McKeown”) in view of Ohara (U.S. Patent 6,314,097); rejects claims 48-51 under 35 U.S.C. § 103(a) over McKeown in view of Ohara and further in view of G.707; rejects claims 59 and 64-66 under 35 U.S.C. § 102(e) as anticipated by McKeown; rejects 60-63, 67 and 68 under 35 U.S.C. § 103(a) over McKeown in view of SONET Transport Systems Common Generic Criteria; rejects claims 46, 52, 53 and 58 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. (U.S. Patent No. 6,658,021, which is the parent case of the present application) in view of Ohara; rejects claims 59, 64 and 65 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al.; rejects claims 48-51 and 55-57 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. in view of Ohara and further in view of SONET Transport Systems Common Generic Criteria; rejects claims 60-63, 67 and 68 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. in view of G.707; rejects claim 47 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. in view of Ohara and further in view of McKeown; rejects claim 66 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. in view of McKeown; and rejects claims 49-51, 55-57, 61-63 and 67-69 under 35 U.S.C. § 112 second paragraph as being indefinite. Applicants respectfully traverse these rejections.

112 REJECTION

Claims 49-51, 55-57, 61-63 and 67-69 stand rejected under 35 U.S.C. § 112 second paragraph as being indefinite. Regarding the Examiner's concern relating to the "standards" recited in these claims, Applicants have defined such standards in the specification in Table 1 on page 8. Therefore, Applicants respectfully submit that page 8 specifically defines the "standards" referred to in claims 49-51, 55-57, 61-63 and 67-69.

Accordingly, Applicants respectfully request withdrawal of the section 112 rejection of claims 49-51, 55-57, 61-63 and 67-69.

102/103 REJECTIONS

Regarding the section 102/103 rejections, it is noted that all these rejections rely on the McKeown reference (U.S. Patent 6,647,019) and additionally, must rely on the filing date of the Related Provisional Application (60/083,455 filed on April 29, 1998) in order to be used as prior art against the instant application (which claims priority from Related Provisional Application 60/090,028, filed on June 19, 1998).

Repeatedly throughout the Office Action, the Examiner specifically cites "Col. 1, line 10 to Col. 2, line 38" in the Patent to McKeown to allegedly disclose features recited in the claims of the present application. McKeown's Related Provisional Application '455 contains substantially different subject matter than is contained in the Patent to McKeown, which does not include the material ("Col. 1 line 10 to Col. 2 line 38") as cited/relied upon in the Office Action. Therefore, Applicants respectfully submit that as McKeown's Related Provisional Application '455 does not contain the subject matter on which the Examiner relies, the Patent to McKeown cannot be used as prior art against the instant application, as the effective filing date of the

subject matter on which the Examiner relies is April 29, 1999 (filing date of Application).

Accordingly, Applicants respectfully request withdrawal of the section 102/103 rejections.

DOUBLE PATENTING REJECTIONS

Claims 46, 52, 53 and 58 stand rejected as allegedly being unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. (U.S. Patent No. 6,658,021, which is the parent case of the present application) in view of Ohara. Applicants respectfully traverse this rejection.

Independent claim 46 is directed to a device that includes a demultiplexer configured to receive a channelized synchronous optical network (SONET) data stream and separate the channelized SONET data stream into constituent tributary data streams, the tributary data streams including a packet over SONET (POS) tributary data stream, and an asynchronous transfer mode (ATM) tributary data stream. The device also includes a line card coupled to the demultiplexer and configured to provide the demultiplexer with the channelized SONET data stream.

Claim 46 is patentably distinct from the invention recited in claims 1, 3, 5 and 8 of Bromley et al. For example, claims 1, 3, 5 and 8 of Bromley et al. do not recite a demultiplexer configured to receive a channelized SONET data stream and separate the channelized SONET data stream into constituent tributary data streams, and a line card coupled to the demultiplexer and configured to provide the demultiplexer with the channelized SONET data stream, as required by claim 46 of the present application. Instead, claim 1 of Bromley et al. recites an input port for receiving the data, the data being formatted as SONET frames that contain data encapsulated in one of multiple formats within the SONET frames, and decapsulation logic

configured to delineate the multiple formats to identify particular ones of the multiple formats and configured to decapsulate the delineated data in the multiple formats into a packet format used in the forwarding node, the decapsulation logic performing the delineation and decapsulation without executing processor instructions (col. 16, lines 19-30). Therefore, Applicants respectfully disagree with the Examiner's assertion (Office Action page 11) that the decapsulation logic (recited in claim 1 of Bromley et al.) is equivalent to the demultiplexer recited in claim 46. Applicants respectfully submit that the subject matter recited in claim 46 is patentably distinct from the subject matter recited in claim 1 of Bromley et al.

Moreover, Bromley et al. discloses that a receive ASIC 70 on line card 59 that decapsulates data and determines how to direct data in an input data stream, and a transmit ASIC 64 on line card 53 that encapsulates the data in a format that is appropriate for a destination (col. 6, line 67 – col. 7, line 6). Bromley et al. further discloses a SONET multiplexer 50 that multiplexes four OC-12 data streams into an OC-48 data stream, and demultiplexers 50 and 52 positioned at feeds of output ports that take OC-48 from the line card and split it into constituent tributaries, such as OC-12, OC-3 or OS-3 tributaries (col. 6, lines 53-62). As shown by these disclosures, decapsulation is provided by ASIC 70 and not by demultiplexers 50 and 52. Fig. 7 of Bromley et al. further provides proof of the distinction between demultiplexing and decapsulation. For example, Fig. 7 shows that an OC-48 input data stream 90 is first demultiplexed 92 into separate tributaries or channels, and subsequently, packets are decapsulated 94 (col. 7, lines 26-35). Therefore, Applicants disagree with the Examiner's assertion that the decapsulation logic (recited in claim 1 of Bromley et al.) is equivalent to the demultiplexer recited in claim 46.

Claim 3 of Bromley et al. recites that the decapsulation logic includes a delineator for delineating Asynchronous Transfer Mode (ATM) cells in the data (col. 16, lines 35-37). Claim 5 of Bromley et al. recites that the decapsulation logic extracts Internet Protocol (IP) packets from the data. Claim 8 of Bromley et al. recites that the decapsulation logic includes a Point to Point Protocol (PPP) deframer for deframing PPP frames. Therefore these dependent claims are also directed to patentably distinct subject matter from the features recited in claim 46.

In light of the above, Applicants respectfully submit that the “decapsulation logic” recited in claims 1, 3, 5 and 8 of Bromley et al. fails to disclose a demultiplexer configured to receive a channelized SONET data stream and separate the channelized SONET data stream into constituent tributary data streams, and a line card coupled to the demultiplexer and configured to provide the demultiplexer with the channelized SONET data stream, as required by claim 46 of the present application.

Additionally, the Office Action (page 11) sets forth that claims 1, 3, 5 and 8 of Bromley et al. do “not expressly call for: line card coupled to a demultiplexer.” The Office Action (page 11) relies on Ohara (“per Fig. 5 and per col. 2, lines 59 to col. 3 line 35”) to disclose a line card coupled to a demultiplexer. Without acquiescing in the Examiner’s allegations, Applicants respectfully submit that the disclosure of Ohara does not cure the deficiencies in claims 1, 3, 5 and 8 of Bromley et al. as identified above with regard to claim 46.

For at least these reasons, Applicants submit that claim 46 is patentably distinct from Bromley et al. and Ohara, whether taken alone or in any reasonable combination. Claim 52 depends from claim 46 and is, therefore, patentably distinct from Bromley et al. and Ohara, whether taken alone or in any reasonable combination, for at least the reasons given with regard

to claim 46.

Independent claim 53 recites features similar to the features described above with respect to claim 46. Therefore, claim 53 is patentably distinct from Bromley et al. and Ohara, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 46. Claim 58 depends from claim 53 and is, therefore, patentably distinct from Bromley et al. and Ohara, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 53.

Claims 59, 64 and 65 stand rejected as allegedly being unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. Applicants respectfully traverse this rejection.

Independent claim 59 recites features similar to the features described above with respect to claim 46. Therefore, claim 59 recites features that are patentably distinct from the decapsulation logic recited in Bromley et al., for at least reasons similar to the reasons given with regard to claim 46. Claim 64 depends from claim 59 and is, therefore, patentably distinct from Bromley et al., for at least the reasons given with regard to claim 59.

Independent claim 65 recites features similar to the features described above with respect to claim 46. Therefore, claim 59 recites features that are patentably distinct from the decapsulation logic recited in Bromley et al. for at least reasons similar to the reasons given with regard to claim 46.

For at least the foregoing reasons, Applicants respectfully request the reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection of claims 59, 64 and 65 as allegedly unpatentable over claims 1, 3, 5, and 8 of Bromley et al.

Claims 48-51 and 55-57 stand rejected as allegedly being unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. in view of Ohara and further in view of SONET. Applicants respectfully traverse this rejection.

Claims 48-51 depend from claim 46. Applicants respectfully submit that the SONET reference does not remedy the deficiencies of claims 1, 3, 5 and 8 of Bromley et al. and Ohara as discussed above, with respect to claim 46. Therefore, Applicants respectfully request withdrawal of the rejection and allowance of claims 48-51.

Claims 55-57 depend from claim 53. Applicants respectfully submit that the SONET reference does not remedy the deficiencies of claims 1, 3, 5 and 8 of Bromley et al. and Ohara as discussed above, with respect to claim 53. Therefore, Applicants respectfully request withdrawal of the rejection and allowance of claims 55-57.

Claims 60-63, 67 and 68 stand rejected as allegedly being unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. in view of G.707. Applicants respectfully traverse this rejection.

Claims 60-63 depend from claim 59. Applicants respectfully submit that the G.707 reference does not remedy the deficiencies of claims 1, 3, 5 and 8 of Bromley et al. as discussed above, with respect to claim 59. Therefore, Applicants respectfully request withdrawal of the rejection and allowance of claims 60-63.

Claims 67 and 68 depend from claim 65. Applicants respectfully submit that the SONET reference does not remedy the deficiencies of claims 1, 3, 5 and 8 of Bromley et al. as discussed above, with respect to claim 65. Therefore, Applicants respectfully request withdrawal of the rejection and allowance of claims 67 and 68.

Claim 47 stands rejected as allegedly being unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. in view of Ohara and further in view of McKeown. Applicants respectfully traverse this rejection.

Claim 47 depends from claim 46. Applicants respectfully submit that the McKeown reference does not remedy the deficiencies of claims 1, 3, 5 and 8 of Bromley et al. and Ohara as discussed above, with respect to claim 46. Additionally, as per the discussion relating to the section 102/103 rejections, the McKeown reference may not be applied as not prior art against the instant application. Therefore, Applicants respectfully request withdrawal of the rejection and allowance of claim 47.

Claim 66 stands rejected as allegedly being unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 1, 3, 5 and 8 of Bromley et al. in view of McKeown. Applicants respectfully traverse this rejection.

Claim 66 depends from claim 65. Applicants respectfully submit that the McKeown reference does not remedy the deficiencies of claims 1, 3, 5 and 8 of Bromley et al. as discussed above, with respect to claim 65. Additionally, as per the discussion relating to the section 102/103 rejections, the cited portions of the McKeown reference may not be applied as not prior art against the instant application. Therefore, Applicants respectfully request withdrawal of the rejection and allowance of claim 66.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 46-69.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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